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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,051	03/23/2001	Tatsuo Chigira	B208-1128	5922
26272	7590	03/29/2004	EXAMINER	
ROBIN BLECKER & DALEY 2ND FLOOR 330 MADISON AVENUE NEW YORK, NY 10017			JACKSON, BLANE J	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,051

Applicant(s)

CHIGIRA, TATSUO

Examiner

Blane J Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Campo (U.S. Patent 6,073,033).

As to claims 1 and 3, Campo teaches a mobile type electronic apparatus comprising:

A communication means capable of transmitting and receiving image data (figures 1-4 and 9, column 11, lines 42-67),

A display element arranged to display image data,

Enlargement display means arranged to optically enlarge an image on the display element and to display the enlarged image as a virtual image (figure 9, column 5, lines 39-66),

A display circuit arranged to cause the display element to display image data (figure 11, display controller (146) and Heads-Up Display (54)),

Operation means for controlling the display circuit (configurable switches for control of the display or control of the telephone when the heads up display is closed, column 10, lines 18-67),

Control means for controlling a power supply for the display circuit in accordance with an operation on the operation means (battery power, column 7, line 58 to column 8, line 9, to source the display controlled through pivoting the head up display arm away from the telephone body or by switch on the keyboard or by voice command, column 9, lines 7-29).

As to claim 2, Campo teaches the elements as recited in claim 1 and also an operation information display element arranged to display information necessary for performing a communication operation (figures 1, 2 and 11, Handset Display (34) for telephone and related communication functions, column 11, lines 13-24).

As to claim 4, Camp teaches the elements as recited in claim 1 and also detecting means for detecting that a body of the electronic apparatus has been grasped by hand and control means for turning on a power supply for a part or the whole of the display circuit when detecting means has detected that the body of the electronic apparatus has been grasped by hand (circuits detect the heads up arm and display has been manually pivoted away from the telephone body for use and powers on the Heads-up Display, column 10, lines 5-17).

As to claim 5, Campo teaches the claim elements as recited in claim 1 and also discriminating means for discriminating a communicating state of the communication means and control means for controlling a power supply for the display circuit in

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accordance with an output of the discriminating means (figure 11, Display Arm Pivot Sensor (156), detect the heads up arm and display has been manually pivoted away from the telephone body for use and powers on the Heads-up Display, column 10, lines 5-17).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campo (U.S. Patent 6,073,033).

As to claim 5, Campo teaches movement of the Heads-up Display arm out of and into a neutral position, or alternatively a key press, may be used to power up and power down the Heads-up display for convenience and battery conservation purposes (column 3, lines 1-20) but does not teach the control circuit turns on the power supply for the display circuit when the discriminating means has detected a state of communicating image data or information to be displayed and turns off the power supply for a part of or whole of the display circuit when the discriminating means has detected a state of communicating an audio signal only. However since Camp teaches the voice and non-voice data is processed by a processor as determined by internal programming of the processor where the processed data may be displayed on the heads-up display or

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regular display for viewing by the user (column 11, lines 42-67) it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Campo to additionally control the on/ off state of the heads-up display in accordance with received or available image data for battery conservation purposes.

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinschmidt et al. (U.S. Patent 6,085,112).

As to claims 7 and 8, Kleinschmidt teaches a mobile type electronic apparatus comprising:

A communication means capable of transmitting and receiving image data (figure 1 and 3, column 3, line 66 to column 4, line 25),

A display element arranged to display image data,

Enlargement display means arranged to optically enlarge an image on the display element and to display the enlarged image as a virtual image (figure 3, column 5, line 40 to column 6, line 10),

A display circuit arranged to cause the display element to display image data (figure 5, BAV, column 5, lines 47-57),

Detecting means for detecting that the enlargement display means has been peeped at (figure 6, column 6, lines 10-19).

Kleinschmidt does not teach control means for controlling a power supply for the display circuit in accordance with an output of the detecting means. However, since Kleinschmidt teaches an eye tracker tracks the position of the pupil of the eye to direct

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operation of the heads-up display, it would have been obvious to one of ordinary skill in the art at the time of the invention to further use the eye track of Kleinschmidt to conveniently switch power to the display as opposed to usual pushbutton methods.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee (U.S. Patent 6,137,525) discloses a personal data communication apparatus that provides a camera, a magnified image in a display and a video telecommunication system within a compact handset. Sakaguchi (U.S. Patent 6,141,568) discloses battery saving in a portable radio that controls display on time. Jacobsen et al. (U.S. Patent 6,073,034) discloses a micro display system the uses a liquid crystal display with an illumination system and a magnifying optical system in a hand held communication device. Umezawa et al. (U.S. Patent 5,491,507) discloses video telephone equipment. Wells et al. (U.S. Patent 5,048,077) discloses a telephone handset with a virtual image display.

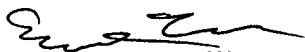
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ


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